



DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT
FREDERICK COUNTY, MARYLAND

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HOUSING CHOICE VOUCHER PROGRAM (Section 8) **FREQUENTLY ASKED QUESTIONS**

The Frederick County Department of Housing and Community Development (FCDHCD) administers the Housing Choice Voucher (Section 8) Program to enable low income families in Frederick County to find safe, decent, affordable rental housing in the private marketplace. The program provides variable rent subsidies to tenants based on their income; that subsidy is paid directly to the property owner on behalf of the tenant.

NOTE: PER THE FREDERICK COUNTY FAIR HOUSING ORDINANCE: (1) A UNIT OWNER MAY NOT REFUSE TO ALLOW A PROSPECTIVE TENANT TO APPLY FOR A UNIT BASED ON THEIR PARTICIPATION IN THE HCV PROGRAM, AND (2) HCV CLIENTS MAY CLAIM THEIR DESIGNATED PAYMENT STANDARD AS INCOME UNDER THE "PROTECTED SOURCE OF INCOME" PROVISION.

Q. DO PROPERTY OWNERS HAVE TO RENT TO SECTION 8 VOUCHER CLIENTS?

- Owners may not use an applicant's participation in any assistance program as reason to deny that applicant the chance to apply for tenancy of a rental property.
- Owners must use the same tenant screening process and factors for all rental applicants; assisted or not.
- The value of the applicant's Voucher Payment Standard is considered income for that applicant.

Q. WHAT KIND OF HOUSING IS ELIGIBLE?

Any type of rental housing is eligible: townhouses, condos, apartments, duplexes, and single family homes.

Q. HOW DOES AN OWNER BECOME INVOLVED IN THE HCV (SECTION 8) PROGRAM?

- It is by initiating a tenancy with a program client that the owner becomes involved in the program.
- Owners advertise their unit through the media, or they can call (877) 428-8844 or visit www.mdhousingsearch.org to place their rental on referral list.
- Eligible families will contact owners directly about their rental.
- Owners screen the tenant through their own standard procedure and decide to proceed with the tenancy.
- The tenant provides the owner with the HCV documents needed to seek FCDHCD approval for the tenancy.
- Section 8 inspects property for compliance with *Housing Quality Standards* (HQS) in accordance with the U.S. Department of Housing and Urban Development (HUD) regulations.
- Owner and tenant execute a lease of at least 12 months; FC-DHCD is not a party to the lease.
- FCDHCD and owner execute the program contract (HAP Contract) to begin assistance payments.

Q. WHAT ARE THE BENEFITS TO A PROPERTY OWNER?

- The FCDHCD's rental subsidy portion of the rent payment is paid directly to the owner.
- HCV program clients are monitored regularly for program compliance by FCDHCD staff.
- Unit is inspected annually by an FCDHCD Housing Inspector.

Q. SO THE FCDHCD HANDLES THE RENTAL TENANCY FOR THE PROPERTY OWNER?

- **NO!** The FCDHCD administers the assistance program and pays the rent subsidy.
- FCDHCD is not a party to the lease: lease enforcement is the responsibility of the landlord.
- Some lease violations constitute program violations, but landlords must take first action.

Q. WHAT ARE THE GENERAL HQS STANDARDS (UNIT INSPECTION)?

Properties must meet general health, safety, and habitability standards; e.g., smoke detectors must be operational, windows must have screens and locks, stairways must have railings, unit must be in good repair, etc. Initial and annual inspections are made of all program properties.

Q. WHAT ABOUT THE SECURITY DEPOSIT?

The tenant is responsible for the security deposit. The owner should collect a security deposit in accordance with Maryland State Law. The amount can range, but may not be in excess of amounts charged by the owner to unassisted tenants. FCDHCD does not offer any assistance towards security deposits.

Q. IS THERE A SPECIAL LEASE FOR HCV TENANTS?

Yes, there is a HUD Tenancy Addendum that must be signed and becomes part of your individual lease. Further, your private lease must state that the lease applies to a HCV (Section 8) program tenancy.

Q. THIS IS A RENT SUBSIDY PROGRAM, HOW ARE THE RENT PORTIONS ALLOCATED?

The rent payment breakdown (tenant payment v. FCDHCD payment) is set according to the tenant's income, household size and other program calculations. Therefore, it may change during the tenancy; however, it will always equal the contract rent due to the owner. FCDHCD notifies owner and tenant of any change in rent portion calculations.

Q. WHAT ARE THE RESPONSIBILITIES OF THE OWNER UNDER THE PROGRAM?

- Fundamentally they are the same as for any private market tenancy.
- Landlords are expected to complete their due diligence with screening tenants for suitability (*the same criterion must be applied for program and non-program tenants*). Establishing program eligibility does not involve all the same criteria as many property owners have for screening tenants.
- Landlords are required to maintain and manage properties as they do in the private market.
- Landlords are obligated to enforce/uphold the provisions of their lease and monitor tenant compliance with that lease. Lease violations must be addressed first by the landlord before FC-DHCD will intervene.
- Landlords must notify FCDHCD of any condition that affects the unit and/or tenancy. Any notices to tenants should be copied to FCDHCD.
- Landlords are also encouraged to conduct regular routine inspections.

Q. WHAT ARE THE RESPONSIBILITIES OF PARTICIPANT FAMILIES?

- Uphold all provisions of the lease; paying rent portion when due, pay utilities as required, etc.
- Maintain the dwelling, causing no damage in excess of normal wear and tear;
- Report any changes in family program status to FCDHCD within 14 days;
- Not allow unauthorized person(s) to live in the dwelling;
- Comply with rules of the program;
- Comply with all voucher family obligations;
- Complete annual and interim program recertification.

Q. HOW DOES AN OWNER TERMINATE THE LEASE AND/OR HCV PROGRAM CONTRACT?

Maryland State Laws apply to the termination of the lease; so it is generally the same as with a non-program tenant. The HUD Tenancy Addendum specifies some other conditions under which a client can be terminated within the first year of the tenancy. After the initial term, the owner may terminate the lease with proper legal notice using the FC-DHCD program Notice to Vacate Form. When the lease ends or tenant vacates, the program HAP Contract also ends.

Q. WHAT ARE THE RESPONSIBILITIES OF FCDHCD AS PROGRAM ADMINISTRATORS?

- Determine program applicant eligibility (based on income and other factors);
- Determine rent portion breakdown and notify owners/participants appropriately;
- Send the FCDHCD assistance payment to the owner each month;
- Conduct inspections and tenant certifications at least annually;
- Establish compliance with HUD required rent reasonableness standards; and
- Monitor program compliance by participant families.
- Address program violations with participants.

Q. WHAT ABOUT RENT INCREASES?

A rent increase may be requested after the initial term of the lease. FCDHCD must determine that the rent increase is reasonable in relation to the private rental market. Federal regulations require FCDHCD to document comparable rentals in the participant file. Owners must give a 60-day notice of any proposed rent increase to the family and FCDHCD.

*For further information, please contact the Frederick County DHCD at
5340 Spectrum Drive, Suite A, Frederick, MD 21703 or (301) 600-3504.*